

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DONELLA HOBBS, etc.,

Plaintiff,

vs.

COMMUNITY EMERGENCY
MEDICAL SERVICE, INC., et al.,

Defendants.

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Case No. 3:17cv306

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JUDGE WALTER H. RICE

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DECISION AND ENTRY ACKNOWLEDGING PLAINTIFF'S NOTICE OF
WITHDRAWAL (DOC. #23) OF DOCUMENT #20, A MOTION TO
VOLUNTARILY DISMISS CAPTIONED CAUSE, AND SUSTAINING
PLAINTIFF'S MOTION TO AMEND/CORRECT (DOC. #24) PLAINTIFF'S
MOTION FOR ORDER AMENDING PRELIMINARY PRETRIAL
CONFERENCE ORDER (DOC. #14); FURTHER PROCEDURES ORDERED

As set forth in the memorandum accompanying her Motion to Amend/Correct the Preliminary Pretrial Conference Order (Doc. #14), it appears that Plaintiff's prior counsel has abandoned her case. Accordingly, this Court SUSTAINS Plaintiff's Motion to Withdraw her Motion for Order of Voluntary Dismissal, without prejudice (Doc. #20), given the statement of Plaintiff's successor counsel that his client did not authorize former counsel to file said motion. Moreover, Plaintiff's Motion to Amend/Correct the Preliminary Pretrial Conference Order (Doc. #24) is SUSTAINED.


Defendant has filed a Motion for Summary Judgment (Doc. #19). It is the order of the Court that Plaintiff's counsel file a memorandum in opposition to said Motion for Summary Judgment or, in the alternative, a motion pursuant to Fed. R. Civ. P. 56(d), not later than 28 days from date of this Decision. The moving Defendant will then have 14 days thereafter to file

whatever reply memorandum is deemed necessary.

The Court will then take the aforesaid Motion for Summary Judgment under advisement and render a decision thereon as quickly as may be practicable. Should the case remain viable after the decision on said motion, a scheduling conference will be convened by the Court.

While the Court can certainly understand the Defendant's frustration at having to litigate a case that it felt had been terminated, the Court sees no discernible prejudice to Defendant by this Court's ruling above. Should Defendant be forced to incur any duplicative costs, by virtue of this once dormant case becoming viable, temporarily or otherwise, a motion for said duplicative costs should be filed and the Court, after giving Plaintiff the opportunity to respond, will consider the request.

December 13, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record